

## **REMARKS**

### ***Status of the Claims***

Claims 1-24 are pending; claims 1, 10, 14 and 12 are currently amended; and claims 4 and 19 are canceled.

Claim 5 has been amended to modify the dependency to claim 1.

Claim 1 has been amended to recite the limitation formerly recited in claim 4 that the dedifferentiated plant cells are halophile plant cells

Claim 10 has been amended to recite the limitation formerly recited in claim 19 that the dedifferentiated plant cells are halophile plant cells, and claim 19 has been canceled.

Claim 12 has been amended to correct the spelling of the word, "composition."

Claim 14 has been amended to delete the "." that was inadvertently placed in the middle of the claim.

No new matter has been entered.

### **1. The Restriction Requirement**

The Examiner has required restriction under 35 USC Sections 121 and 372. According to the Examiner, the claims of the application lack unity of invention under PCT Rule 13.1 because, under PCT rule 13.2, the technical feature identified by the Examiner as common to claims allegedly fails to make a contribution over the prior art. The Examiner has therefore required restriction to the following two groups of claims:

Group I, claims 10-42, drawn to a topical composition comprising at least one lyophilisate of dedifferentiated plant cells in a base; and

Group II, claims 1-9, drawn to a method for depigmenting or lightening the epidermis with a protective or regenerative effect. (Office Action, page 2).

The Examiner's detailed reasoning for making the above-described findings appears on pages 2-3 of the Office Action, and is not reproduced here. Applicants respectfully traverse.

As a preliminary matter, Applicants point out that there are 24 claims pending in this application, and Applicants therefore presume that Group I contains claims 10-24 (and not claims 10-42).

Next, Applicants point out that claims 1 and 10 have been amended to specify that the dedifferentiated plant cells are halophile plant cells. Applicants submit that amended claims 1 and 10 are novel over US2003/0165589 - WO01/82887 because that reference does not disclose any halophile dedifferentiated plant cells. In addition, Applicants direct the Examiner's attention to the fact that US2003/0165589 - WO01/82887 teaches the use of a plant extract of the genus *Vitis* for inhibiting or slowing down melanogenesis and/or for treating hypermelanosis disorders. But US2003/0165589 - WO01/82887 does not teach or suggest the use of dedifferentiated halophile plant cell lyophilisate, or any other lyophilisate, for depigmenting or lightening the epidermis by blocking tyrosinase activity, as presently claimed. It follows that the present claims are not only novel, but also nonobvious over the prior art of record.

Because the present claims define novel and nonobvious subject matter, Applicants submit that the Examiner erred in finding the present claims lack unity of invention. Applicants respectfully request reconsideration and withdrawal of the restriction requirement, and rejoinder of the claims for examination in a single application.

**In order to be fully compliant with the restriction requirement, Applicants elect, with traverse, the claims of Group I, claims 10-24.**

Finally, Applicants take this opportunity to reserve their right to rejoinder of the method claims of this application upon a finding of patentable subject matter regarding the elected product claims.

## 2. Conclusion

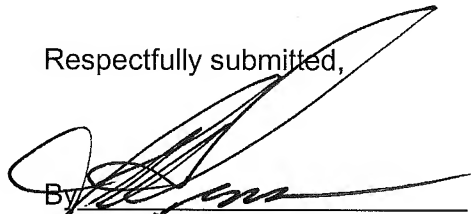
Applicants respectfully request early and favorable action on this application, the claims which define subject matter that meets all statutory patentability requirements.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson, Registration No 30,330, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 13, 2007

Respectfully submitted,



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